

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

ERICSSON INC., et al.,

Plaintiffs,

v.

D-LINK CORPORATION, et al.,

Defendants.

Civil Action No. 6:10-cv-473

JURY TRIAL DEMANDED

JOINT MOTION TO ADMINISTRATIVELY CLOSE THE CASE

Plaintiffs Ericsson Inc. and Telefonaktiebolaget LM Ericsson (collectively, “Ericsson”) and Defendants D-Link Systems, Inc., NETGEAR, Inc., Acer, Inc., Acer America Corporation, Gateway, Inc., Dell Inc., Toshiba Corporation, Toshiba America Information Services, Inc., and Intervenor Intel Corporation (collectively, “Defendants”) hereby jointly move that the Court administratively close this case.

As stated in the parties’ Joint Notice Regarding *Inter Partes* Review (Dkt. 706), on December 4, 2014 the Federal Circuit remanded to this Court for further proceedings on damages issues related to claims 1 and 2 of U.S. Patent No. 6,772,215 and claims 1 and 5 of U.S. Patent No. 6,466,568. At the time, both patents were undergoing *inter partes* review (“IPR”) proceedings before the U.S. Patent Trial and Appeal Board (“PTAB”). On February 27, 2015, the Parties jointly moved to defer further proceedings on remand before this Court pending the resolution of the IPR proceedings. On March 6, 2015, the PTAB issued a final written decision determining that those (and other) claims of the ’215 and ’568 patents are invalid. *See* Exhibits

A and B, *Broadcom Corp. v. Wi-Fi One, LLC*, Case Nos. 2013-00601, -00602, Final Written Decisions (Mar. 6, 2015). Ericsson will challenge the PTAB's decision.

Accordingly, the Parties make this request to administratively close the case while the IPR and related proceedings may still be pending, including through any appeal to the extent applicable. The Parties further request that if any party wants to re-open the case for any reason, the party shall move to re-open this case and no other party can oppose for any reason. The requirement that no party can oppose re-opening the case is intended only for the ministerial purpose of re-opening the administratively closed case, and this does not prevent any party from moving for a stay, closure, or other relief if, for example, the status of the IPRs or any appeal related to the IPR decisions does not, in such party's view, justify proceeding with any remand or other proceedings in the district court. Within 30 days of the filing of the motion to re-open, the parties shall file a joint notice regarding the status and/or results of the IPR . Within 30 days of the filing of the joint notice, the parties shall also file a joint status report listing the issues remaining on remand and proposing a schedule for resuming proceedings. The parties shall be available for a Status Conference at the Court's convenience after submission of the joint status report. At the Status Conference, the parties will be prepared to provide a brief overview of the case as well as to discuss the issues contained in the joint status report.

Dated: April 29, 2015

Respectfully submitted,

/s/ Douglas A. Cawley

Theodore Stevenson, III

Lead Attorney

Texas State Bar No. 19196650

tstevenson@mckoolsmith.com

Douglas A. Cawley

Texas State Bar No. 04035500

dcawley@mckoolsmith.com

Warren Lipschitz

Texas State Bar No. 24078867

wlipschitz@mckoolsmith.com

McKOOL SMITH, P.C.

300 Crescent Court, Suite 1500

Dallas, Texas 75201

Telephone: (214) 978-4000

Facsimile: (214) 978-4044

Samuel F. Baxter

Texas State Bar No. 01938000

sbaxter@mckoolsmith.com

McKOOL SMITH, P.C.

104 E. Houston Street, Suite 300

P.O. Box O

Marshall, Texas 75670

Telephone: (903) 923-9000

Facsimile: (903) 923-9099

John B. Campbell

Texas State Bar No. 24036314

jcampbell@mckoolsmith.com

Kathy H. Li

Texas State Bar No. 24070142

kli@mckoolsmith.com

McKOOL SMITH, P.C.

300 W. 6th Street, Suite 1700

Austin, Texas 78701

Telephone: (512) 692-8700

Facsimile: (512) 692-8744

**ATTORNEYS FOR PLAINTIFFS,
ERICSSON INC. AND
TELEFONAKTIEBOLAGET LM ERICSSON**

/s/ Robert M. Parker

Robert M. Parker
State Bar No. 15498000
Robert Christopher Bunt
State Bar No. 00787165
Charles Ainsworth
State Bar No. 00783521
PARKER, BUNT & AINSWORTH, P.C.
100 E. Ferguson, Suite 1114
Tyler, Texas 75702
Telephone: (903) 531-3535
Facsimile: (903) 533-9687
rmparker@pbatyler.com
rcbunt@pbatyler.com
charley@pbatyler.com

Adam R. Alper
Sarah E. Piepmeier
KIRKLAND & ELLIS LLP
555 California Street
San Francisco, CA 94104
Telephone: (415) 439-1876
Facsimile: (415) 439-1500
adam.alper@kirkland.com
sarah.piepmeier@kirkland.com

Michael W. De Vries
Tim Majors
KIRKLAND & ELLIS LLP
333 South Hope Street
Los Angeles, CA 90071
Telephone: (213) 680-8400
Facsimile: (213) 680-8500
michael.devries@kirkland.com
tim.majors@kirkland.com

Gregory S. Arovas
KIRKLAND & ELLIS LLP
601 Lexington Ave
New York, NY 10022
Telephone: (212) 446-4800
Facsimile: (212) 446-4900
greg.arovas@kirkland.com

Michael E. Jones (State Bar No.: 10929400)

John F. Bufe (State Bar No.: 03316930)

POTTER MINTON, PC

110 North College, Suite 500

Tyler, Texas 75702

Telephone: (903) 597-8311

Facsimile: (903) 593-0846

mikejones@potterminton.com

johnbufe@potterminton.com

ATTORNEYS FOR INTERVENOR,

INTEL CORPORATION

/s/ Christine M. Morgan

Scott D. Baker, Pro Hac Vice (Cal. SBN 84923)

John P. Bovich, Pro Hac Vice (Cal. SBN 150688)

Christine M. Morgan, Pro Hac Vice (Cal. SBN 169350)

Adaline J. Hilgard, Pro Hac Vice (Cal. SBN 173213)

William R. Overend, Pro Hac Vice (Cal. SBN 180209)

Jonah D. Mitchell, Pro Hac Vice (Cal. SBN 203511)

REED SMITH LLP

101 Second Street, Suite 1800

San Francisco, CA 941015

Telephone: (415) 543-8700

Facsimile: (415) 391-8269

sbaker@reedsmith.com

jbovich@reedsmith.com

ahilgard@reedsmith.com

woverend@reedsmith.com

jmitchell@reedsmith.com

Trey Yarbrough (Bar No. 22133500)

Debby E. Gunter (Bar No. 24012752)

YARBROUGH & WILCOX, PLLC

100 E. Ferguson, Ste. 1015

Tyler, Texas 75702

Telephone: (903) 595-3111

Facsimile: (903) 595-0191

trey@yw-lawfirm.com

debby@yw-lawfirm.com

ATTORNEYS FOR DEFENDANTS,

D-LINK SYSTEMS, INC., NETGEAR, INC.,

ACER, INC., ACER AMERICA CORPORATION,

AND GATEWAY, INC.

/s/ Michael J. Newton

Michael J. Newton (Texas Bar No. 24003844)

Brady Cox (Texas Bar No. 24074084)

ALSTON & BIRD LLP

2828 North Harwood St, Suite 1800

Dallas, TX 75201

Telephone: (214) 922-3400

Facsimile: (214) 922-3899

mike.newton@alston.com

brady.cox@alston.com

Frank G. Smith (Georgia Bar No. 657550)

ALSTON & BIRD LLP

1201 West Peachtree Street

Atlanta, GA 30309

Telephone: (404) 881-7000

Facsimile: (404) 881-7777

frank.smith@alston.com

kamran.jivani@alston.com

Deron R. Dacus (Texas Bar No. 00790553)

THE DACUS FIRM, P.C.

821 ESE Loop 323, Suite 430

Tyler, Texas 75701

Telephone: (903) 705-1117

Facsimile: (903) 581-2543

ddacus@dacusfirm.com

**ATTORNEYS FOR DEFENDANT,
DELL INC.**

/s/ John Feldhaus

John Feldhaus

Pavan Agarwal

FOLEY & LARDNER LLP

3000 K. Street, NW, Suite 500

Washington, DC 20007

Telephone: (202) 672-5300

Facsimile: (202) 672-5399

jfeldhaus@foley.com

pagarwal@foley.com

Guy N. Harrison
Attorney at Law 217 N. Center
Longview, TX 75606
Telephone: (903) 758-7361
Facsimile: (903) 753-9557
guy@gnhlaw.com

**ATTORNEYS FOR DEFENDANTS,
TOSHIBA CORPORATION AND TOSHIBA
AMERICA INFORMATION SYSTEMS, INC.**

CERTIFICATE OF SERVICE

I hereby certify that counsel of record who are deemed to have consented to electronic service are being served on April 29, 2015 with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3).

/s/ Kathy H. Li

Kathy H. Li